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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,494	07/30/2003	Saurabh Kumar	350078.408	9683
34554 7590 08/06/2008 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092				
EXAMINER				
WONG, XAVIER S				
ART UNIT		PAPER NUMBER		
2616				
MAIL DATE		DELIVERY MODE		
08/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,494

Applicant(s)

KUMAR, SAURABH

Examiner

Xavier Wong

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11th June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 11th June 2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims **1-32** are pending

This is a non-final action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on *11th June 2008* has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "*substantially*" in claim 4 is a relative term which renders the claim indefinite. The term "*substantially*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1- 6, 9-15, 17- 22, 24-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankude et al (US 6795866 B1), hereinafter, Mankude, in view of Egevang (US 2003/0081605 A1).

5. Claims 1, 9, 11, 13, 15, 17, 19, 20, 28 and 32: Mankude shows an apparatus comprising an article of manufacture comprising computer-readable medium having instructions stored thereon executable by a processor to handle packet fragments, the apparatus handles the packet fragments by:

i. an entry point and network device (fig. 2 items 221, 218 & 230) for determining if a fragment of a packet is either a head fragment or a non-head fragment (col. 7 lines 10-12);

ii. processing the fragment if it is determined to be said head fragment to determine a destination address for said head fragment (col. 7 lines 17-20), wherein the means is a packet fragment forwarding mechanism 230;

iii. *using* the determined destination address to any corresponding non-head fragment of said packet that is received subsequently after the head fragment and to any corresponding stored non-head fragment of the packet that is received prior to the head fragment (col. 7 lines 24-31);

wherein step iii. above comprising further steps of:

iv. holder object means for generating a session associated with the head fragment (col. 7 lines 20-22: destination address *entry* initialization by a holder object;

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see also col. 6 lines 28-36) and holder means for obtaining the destination address from the session, and applying the determined destination address to any corresponding non-head fragment of said packet that is received subsequently after the head fragment includes *using* the destination address obtained from said session to said any corresponding non-head fragment received subsequently after the head fragment (col. 7 lines 24-31); and,

v. a storage unit (fig. 4) coupled in the network device for storing a plurality of corresponding non-head fragments if the session has not been generated (col. 6 lines 37-42: "non-first" fragments stored in queues).

Though Mankude discloses the usage of the destination address to forward non-head fragments to their destinations, the means and steps of "*applying (e.g. tagging) the determined destination address to any corresponding stored plurality non-head fragment after the session has been generated*" and "an exit point coupled to the network device to update non-head fragments" have not been *very clearly* mentioned by Mankude.

Egevang discloses a router means comprising a packet fragmentation manager (PFM) comprising a collection module receives packet fragments ([0045] lines 1-5) and then following receiving a first packet fragment (header), a translation module will translate destination address to subsequent packet fragments based on the first packet fragment destination address and network address translation NAT process ([0047]). The translation and modifying steps may read on as *applying the determined destination address to the non-head packet fragments*. Thereafter, a communication module (exit point) applies

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(modifies) the destination address based on the NAT process which is determined by the first packet fragment destination address ([0048] lines 1-3 & 7-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was created to implement the PFM and translation modules of applying destination address to fragments as taught by Egevang to the fragment processing means to use destination address to corresponding stored fragments after the session has been generated as taught by Mankude to reduce latency for transmitting data across a network ([0001] of Egevang).

Claim 2, applied to claim 1: Mankude teaches processing the head fragment includes generating a session pointer data structure having the destination address (fig. 4: 412, 422, 432; 416, 426, 436), the method further comprising after processing the head fragment:

i. locating said destination address from the session pointer data structure that was generated during the processing of the head fragment (col. 6 lines 37-44).

Yet, the applying of said destination address to said at least one corresponding non-head fragment includes applying the destination address located from said session *pointer* data structure to a corresponding non-head fragment subsequently received after receiving said head fragment.

Egevang discloses a router means comprising a packet fragmentation manager (PFM) comprising a collection module receives packet fragments ([0045] lines 1-5) and then following receiving a first packet fragment (header), a translation module will translate destination address to subsequent packet

fragments based on the first packet fragment destination address and network address translation NAT process ([0047]). The translation and modifying steps may read on as *applying the determined destination address* to the non-head packet fragments.

It would have been obvious to one of ordinary skill in the art at the time the invention was created to modifying the pointer of Mankude to include a step of applying a destination address to a fragment as Egevang applies a destination address to the fragments as a known option in the same field of endeavor to realize the benefit of improving efficiency in packet fragmentation and forwarding by using pointers rather than consuming ample memory (array) space.

Claim 3, applied to claim 1: Mankude mentions the packets as IP packets (col. 5 lines 57-63), therefore, the fragments are IP-fragments.

Claim 4, applied to claim 1: Mankude discloses the first (head) fragment includes all header information (col. 6 lines 6-8) from the packet, and wherein the at least one non-head fragment includes packet data from the packet (col. 6 lines 4-6).

Claim 5, applied to claim 1: Mankude discloses processing head fragment includes processing one of the fragments having the header information (col. 7 lines 10-12). Yet, Mankude may not have specifically mentioned duplicative header information from the packet wherein the step of applying (destination address) includes designating another one of the fragments having the header information as the at least one non-head fragment. Egevang discloses that each

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packet fragment (e.g. meaning head & non-head fragments as well) may include a packet fragment header wherein a "more bit" flag (in both head and non-head fragments) indicate if there are more fragments to be processed ([0038]); which means that the "more bit" flag is interpreted as header information designated to another non-head fragment, wherein the non-head fragment later is applied a destination address thereof ([0045-48]). It would have been obvious to one of ordinary skill in the art at the time the invention was created to realize the benefit of having header information in non-head fragments as taught by Egevang to the fragment processing of Mankude since fragments may not be processed in order and by having header information the fragment processing manager may know where the fragments belong to.

Claims 6 and 12, applied to claims 1 and 9: Egevang discloses applying the determined destination address to the non-head fragments includes overwriting (modifying) a destination field of these non-head fragments with the determined destination address ([0048]).

Claims 10, 14 and 18, applied to claims 9, 13 and 17: Egevang discloses forwarding the non-head fragments having the determined destination address applied thereto ([0048]).

Claims 21 and 29, applied to claims 20 and 28: Egevang shows in fig. 1 a router 110 comprising packet fragmentation manager (PFM) may be interpreted as a switch network device ([0045]).

Claim 22, applied to claim 20: Egevang discloses a collection module 402 (entry point) and a communication module 408 (exit point) comprise software-based function ([0044] lines 11-13; [0048] lines 7-11).

Claim 24, applied to claim 20: Egevang discloses the network device processes the head fragment to determine the destination address ([0044-45]).

Claim 25, applied to claim 20: Egevang discloses a translation module 406 (another network device) the communication module 408 (exit point) to perform head fragment processing ([0047] lines 1-9).

Claim 26, applied to claim 20: Egevang discloses a translation module 406 (another storage unit) coupled to the communication module 408 (exit point) to store destination address ([0047]: NAT process obviously needs address storage).

Claim 27, applied to claim 20: Egevang discloses the router (network device) has software program to handle fragments ([0033]).

Claims 7, 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankude et al (US 6795866 B1), hereinafter, Mankude, in view of Egevang (US 2003/0081605 A1), applied to claims 1, 20 and 28, and in further view of Iny (US 2002/0061030 A1).

Claims 7, 16 and 30, applied to claims 1, 20 and 28: Mankude, modified by Egevang, disclose the claimed invention yet may not have specifically mentioned addition of a routing tag to non-head fragments that includes the determined destination address. Iny mentions fragments being tagged with destination ID ([0020]) before the fragments are sent to their destinations. It would

have been obvious to implement the step of tagging a destination address to a fragment as taught by Iny to the fragment forwarding process of Mankude, modified by Egevang, so that the fragments may be forwarded to a reachable destination while maintaining load balance.

Claims 8, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankude et al (US 6795866 B1), hereinafter, Mankude, in view of Egevang (US 2003/0081605 A1), applied to claims 1, 20 and 28, and in further view of Malagrino et al (US 6714985 B1), hereinafter, Malagrino.

Claims 8, 23 and 31, applied to claims 1, 20 and 28: Mankude, modified by Egevang, disclose the claimed invention yet may not have specifically mentioned the head fragment is processed according to at least one of layer 4 to layer 7 criteria. Malagrino discloses that non-last (e.g. including head) fragments are processed through higher layer (layers 4-7) operations (col. 4 lines 27-42). It would have been obvious to one of ordinary skill in the art at the time the invention was created to forward the head (or non-last) fragments for higher layers processing as taught by Malagrino and apply such process to the fragmentation manager of Mankude, modified by Egevang, to avoid inefficient use of memory due to the varying number of fragments at a switch and make it easier for hackers to obtain packet info (col. 3 lines 10-26 of Malagrino).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Sugihara (US 6425080 B1) disclose an ATM cell descrambling circuit for detecting header portion and a payload portion
8. Opera (US 5870394) a packet reassembly apparatus comprising memory for storing payload portions of a packet, a list memory, a header processor for receiving header portions of the packet and a processor to maintain a pointer list of addresses for each channel
9. Bellaton et al (US 6026093) teach a dispatch mechanism for packets being divided into fragments then queued for transmission wherein the transmission is managed by linked-list data structure
10. Rosen (US 6337861 B1) prepending a fragment with a tag stack that includes a replacement tag wherein an output packet having input destination IP address as its destination address
11. Thomas (US 2004/0093425 A1) mentions a method for managing fragmented information packets in a computer network, wherein an information packet is transmitted, from a client to a plurality of servers via a switch, wherein the information packet is fragmented within the computer network into at least a first fragment containing a computer network address of a first of the plurality of servers, and into a separately transmitted second fragment; and assembling the information packet in the first server by transmitting the second fragment from a second server to the first server

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xavier Wong whose telephone number is (571)270-1780. The examiner can normally be reached on Monday through Friday 8:30 am - 6:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Xavier Szewai Wong
X.S.W / x.s.w
28th July 2008

/Brenda Pham/
Primary Examiner, Art Unit 2616